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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,710	09/17/2008	Geoffrey Buddington	TYR-P0011	8721
27268	7590	06/25/2010	EXAMINER	
BAKER & DANIELS LLP 300 NORTH MERIDIAN STREET SUITE 2700 INDIANAPOLIS, IN 46204				BEDTELYON, JOHN M
ART UNIT		PAPER NUMBER		
2874				
NOTIFICATION DATE		DELIVERY MODE		
06/25/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/586,710	<b>Applicant(s)</b> BUDDINGTON ET AL.
	<b>Examiner</b> JOHN M. BEDTELYON	<b>Art Unit</b> 2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 15 August 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 January 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement (PTO/US/06)  
 Paper No(s)/Mail Date 07/20/06

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to the supplemental preliminary amendment submitted 08/15/2008. Claims 4, 6, and 8 are currently amended. Claims 11 and 12 are canceled. No claims are newly added. Claims 1-10 are currently pending in the Application.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 07/20/2006 is being considered by the examiner.

### ***Drawings***

4. The drawings were received on 01/29/2007. These drawings are accepted.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### ***Arrangement of the Specification***

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

#### ***Claim Objections***

5. Claims 6 and 10 are objected to because of the following informalities: claim 6, line 1: the phrase "An crimp" is not grammatically correct. Claim 10, lines 2-3: line 2 recites "a recess" referring to a portion of the closure housing, and then line 3 recites "the recess" referring back to the recess of the crimp making the claim unclear. The Examiner suggests differentiating between a recess of the closure housing and a recess of the crimp using additional language. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by McDonald et al. (US Patent 6,899,467, hereinafter McDonald). McDonald discloses:

Claims 1 and 6: A crimp comprising

a hollow crimp body (62, see figures 3 and 7, figure 3 shows it being hollow) that is open at each end (see figure 3) and comprises, at a first end (72), a first crushable crimp tube (the first crushable crimp tube is labeled 63 in figure 7, though 63 never appears in the disclosure) for crimping onto a connector (16, see column 10, lines 28-59 which discloses the first end 72 engaging the rearward end 42 of the spring push 38 portion of the connector); and

at a second end (74) a second crushable crimp tube (65) for crimping onto a cable (column 10, lines 61-67), the portion of the crimp (see figure 7, the entire raised portion 86 between portions 63 and 65) between the said ends including a recess (see figure 7, the portion 82 and 86 extends out from the element 62; on either side, to the left or right as seen in figures 2 and 7, of the portion 82, there is a recessed portion in that this portion doesn't stick out as far as portion 82, thusly it is recessed) for engagement by a closure housing (14, see figures 3-5, and column 11, line 53- column 12, line 9, element 62 is received by element 14, and thusly the recessed portions are interpreted as being for engagement by a closure housing), and further comprising an optical cable (cable 12 comprising strength members 66 and fibers 130, see figures 1-4 and 6) inserted therethrough, the crimp tube (63) at the said first end (72) of the crimp (62) being crimped onto the spigot (portion 42 of element 38 is interpreted as a spigot) of a connector (element 16 is the connector, element 38 is a portion of the connector

16) so as to retain thereon the reinforcing fibers of the optical cable (column 10, lines 36-42); and

the crimp tube (65) at the said second end (74) being crimped onto the exterior of the optical cable (column 10, lines 61-67).

Claim 2: wherein the respective crimp tubes and the said portion therebetween are cylindrical (see figure 7).

Claim 3: wherein the diameter of the said portion between (86) the crimp tubes (63 and 65) is greater than that of either crimp tube (see figure 7).

Claim 4: wherein the recess is a groove formed in the periphery of the said portion (see figure 7, the groove is on the periphery of the portion 86, on either side of the element 82).

Claim 5: wherein the recess extends about the whole periphery of the said portion (see figure 7, the grooves on either side of the portion 82 extend around the entire diameter of the portion 86).

Claim 7: including a portion of a closure housing (14) received in the said recess so as to prevent relative movement between the crimp and the said closure housing portion (see figures 3 and 5, the recessed portions received portions of element 14, when the element 82 is received by portion 84 of element 14, column 11, line 53- column 12, line 9).

Claim 8: wherein the recess lies offset from the longitudinal mid-point of the crimp body (see figure 7, the mid-point of the crimp body is at point between the ends of

portion 82, the recesses are on either side of 82 and are thusly offset from the longitudinal mid-point).

Claims 9 and 10: A method of securing an optical cable (12) to a connector (16) comprising the steps of:

- (i) inserting an optical cable (12, including 66 and 130) through a crimp (62) according to any preceding claim (see above, the McDonald references discloses all the limitations of the crimp according to all the preceding claims) so as to protrude at either end thereof (see figure 2);
- (ii) removing the jacket (64) of the optical cable (12) to expose the core (130) and reinforcement fibers (66) thereof (column 9, lines 59-66);
- (iii) inserting the core (130) into a connector (16) spigot (portion 42 of element 38 is interpreted as the spigot, see figure 3, the core 130 is inserted into the spigot);
- (iv) arranging the reinforcing fibers (66) about the spigot (42, column 10, lines 28-30);
- (v) advancing the crimp (62) so that the first crimp tube overlies the spigot and the fibers (column 10, lines 30-33);
- (vi) crimping the first crimp tube onto the spigot so as to retain the fibers on the spigot (column 10, lines 36-42); and, before or after step (vi),
- (vii) crimping the second crimp tube onto the exterior of the cable (column 10, lines 61-67);
- (viii) inserting the crimp (62) into an aperture (see figure 5, the openings 58 extend through all of portion 14) of a recess (58) formed in a closure housing (14) so

that a part of the closure housing engages the recess so as to prevent relative movement between the crimp and the closure housing (see figure 3 and 5, the portion 62 is inserted and contacted by portion 14, thusly the recess of the crimp 62 is engaged by the closure housing, column 11, line 53- column 12, line 9).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. BEDTELYON whose telephone number is (571)270-1290. The examiner can normally be reached on Monday - Friday, 10:00am - 6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Uyen-Chau Le can be reached on 571-272-2397. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Bedtelyon/  
Examiner, Art Unit 2874

/UYEN-CHAU N. LE/  
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